

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID WESLEY SWANSON,

Defendant.

4:21CR3060

ORDER

Defendant has moved to continue the pretrial motion deadline and trial setting, (Filing Nos. 11 and 12), because Defendant and defense counsel need additional time to fully review the discovery received before deciding if pretrial motions should be filed. The motions to continue are unopposed. Based on the showing set forth in the motions, the court finds the motions should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motions to continue, (Filing Nos. 11 and 12), are granted.
- 2) Pretrial motions and briefs shall be filed on or before September 3, 2021.
- 3) The trial of this case is set to commence before the Honorable John M. Gerrard, Chief United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on October 4, 2021, or as soon thereafter as the case may be called, for a duration of three (3) trial days. Jury selection will be held at commencement of trial.
- 4) The ends of justice served by granting the motions to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the

motions, the time between today's date and September 3, 2021 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 1st day of June, 2021.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge